

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 1, 2013

## SENATE BILL

**No. 714**

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### Introduced by Senator Block

February 22, 2013

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An act to ~~add and repeal Sections 46308 and 46309 of~~ amend Section 51745.6 of, and to add Sections 51749.5 and 51749.6 to, the Education Code, relating to ~~schools;~~ pupil instruction.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 714, as amended, Block. ~~Schools: average daily attendance; online instruction.~~ Pupil instruction: independent study.

(1) Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with prescribed criteria.

This bill would, notwithstanding any other law, commencing with the 2015–16 school year and ending on June 30, 2022, authorize a school district or county office of education to offer independent study courses in accordance with prescribed conditions, including, among others, that the courses be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, that the courses are annually certified, by school district or county office of education governing board resolution, to be of the same rigor and educational quality as equivalent classroom-based courses, and that

*certificated employees assess whether each pupil is making satisfactory educational progress and conduct teacher-pupil meetings in person at least twice per calendar month. The bill would provide that statewide testing results for pupils enrolled in these courses shall be reported and assigned to the school in which a pupil is enrolled for classroom-based courses and to any school district or county office of education within which that school's testing results are aggregated. The bill also would provide that a signed learning agreement, as specified, shall be completed and on file, and would specify the computation of average daily attendance for these courses. The bill would prohibit pupils from being required to enroll in the courses.*

*(2) Existing law requires the ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study to not exceed a specified ratio.*

*This bill would revise the pupil-to-teacher ratios by grade span, as specified.*

~~Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Existing law authorizes, commencing with the 2014–15 school year, for purposes of computing average daily attendance, the inclusion of pupils in grades 9 to 12, inclusive, under the immediate supervision and control of a certificated employee of the school district or county office of education who is delivering synchronous, online instruction, as defined, provided that this instruction meets specified criteria.~~

~~This bill, separate from the authority related to online instruction described above, subject to the adoption by the Superintendent of Public Instruction of implementing rules and regulations on or before January 1, 2015, and commencing with the 2015–16 fiscal year, would authorize school districts, county offices of education, and charter schools providing classroom-based instruction that offer high-quality online education courses, as defined, to claim up to 10% of the total average daily attendance of pupils enrolled in grades 9 to 12, inclusive, on the basis of a pupil's satisfactory pupil progress toward obtaining a high school diploma by earning course credit through attendance in online educational learning programs, as defined. The bill would cap, as specified, the number of pupils a school district, county office of~~

~~education, or charter school may enroll in an online course or courses. The bill would also require a school district, county office of education, or charter school providing classroom-based instruction that did not offer an online course or courses in the 2014–15 school year but chooses to enroll pupils in an online course or courses, to offer the course or courses at the beginning of the school year and to submit semiannual reports to the State Department of Education comparing the course credits earned by pupils enrolled in an online course or courses to the course credits earned by pupils enrolled in classroom-based courses.~~

~~The bill would authorize a school district, county office of education, or charter school providing classroom-based instruction that operates an online educational learning program to receive state apportionments for up to 10% of the total average daily attendance of pupils enrolled in grades 9 to 12, inclusive, for 3 consecutive years, and for an additional 3 years if semiannual reports are submitted, as described above, and the enrolled pupils are achieving satisfactory pupil progress. The bill would require a school district, county office of education, or charter school that enrolls pupils in an online course or courses to develop and adopt policies that evaluate if a pupil is achieving satisfactory pupil progress and if a pupil should be allowed to continue to enroll in the online educational learning program. The bill would require a participating school district, county office of education, or charter school to submit pupil records for review by the department that compare the course completion rate of pupils participating in the online educational learning program to the overall course completion rate for pupils enrolled in grades 9 to 12, inclusive, if the pupils participating in the online educational learning program are earning less than 75% of the course credits earned by pupils enrolled in classroom-based courses. The bill would require the department to develop a process authorizing a school district, county office of education, or charter school to reduce the state apportionment it receives for the online educational learning program if projected pupil enrollment or satisfactory pupil progress is not being achieved. The bill would authorize the department to reduce or eliminate the apportionments a school district, county office of education, or charter school receives for pupils participating in the online educational learning program if the participating pupils have not achieved satisfactory pupil progress or the semiannual reports are not submitted. The bill would authorize a school district, county office of education, or charter school to appeal a decision of the department to~~

~~reduce or eliminate the state apportionments received for pupils participating in the online educational learning program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 51745.6 of the Education Code is amended  
2     to read:  
3     51745.6. (a) (1) The ratio of average daily attendance for  
4     independent study pupils 18 years of age or less to school district  
5     full-time equivalent certificated employees responsible for  
6     independent study, *study by grade span*, calculated as specified  
7     by the State Department of Education, *department*, shall not exceed  
8     the equivalent ratio of pupils to full-time certificated employees  
9     for all other educational programs operated by the school district.  
10    *district for the applicable grade span, unless a new higher or lower*  
11    *grade span ratio for all other educational programs offered within*  
12    *the respective grade span is negotiated in a collective bargaining*  
13    *agreement, or a memorandum of understanding is entered into*  
14    *that indicates that an existing collective bargaining agreement*  
15    *contains an alternative grade span ratio for the applicable grade*  
16    *span. The ratio of average daily attendance for independent study*  
17    *pupils 18 years of age or less to county office of education full-time*  
18    *equivalent certificated employees responsible for independent*  
19    *study, to be calculated in a manner prescribed by the State*  
20    *Department of Education, study, calculated as specified by the*  
21    *department, shall not exceed the equivalent ratio of pupils to*  
22    *full-time certificated employees for all other educational programs*  
23    *operated by the high school or unified school district with the*  
24    *largest average daily attendance of pupils in that county. county*  
25    *for the applicable grade span, unless a new higher or lower grade*  
26    *span ratio for all other educational programs offered within the*  
27    *respective grade span is negotiated in a collective bargaining*  
28    *agreement, or a memorandum of understanding is entered into*  
29    *that indicates that an existing collective bargaining agreement*  
30    *contains an alternative grade span ratio for the applicable grade*  
31    *span. The computation of those these ratios shall be performed*  
32    annually by the reporting agency at the time of, and in connection

1 with, the second principal apportionment report to the  
2 ~~Superintendent of Public Instruction.~~ *Superintendent.*

3 (2) *For purposes of this section, the following grade spans shall*  
4 *apply:*

5 (A) *Kindergarten and grades 1 to 3, inclusive.*

6 (B) *Grades 4 to 6, inclusive.*

7 (C) *Grades 7 to 8, inclusive.*

8 (D) *Grades 9 to 12, inclusive.*

9 (b) Only those units of average daily attendance for independent  
10 study that reflect a pupil-teacher ratio that does not exceed the  
11 ~~ratio applicable grade span ratios~~ described in subdivision (a)  
12 shall be eligible for apportionment pursuant to Section ~~42238.5,~~  
13 ~~42238.05,~~ for school districts, and Section ~~2558,~~ 2575, for county  
14 offices of education. Nothing in this section shall prevent a school  
15 district or county office of education from serving additional units  
16 of average daily attendance greater than the ~~ratio applicable grade~~  
17 ~~span ratios~~ described in subdivision (a), except that those additional  
18 units shall not be funded pursuant to Section ~~42238.5~~ 42238.05 or  
19 Section ~~2558.~~ 2575.

20 (c) The calculations performed for purposes of this section shall  
21 not include either of the following:

22 (1) The average daily attendance generated by special education  
23 pupils enrolled in special day classes on a full-time basis, or the  
24 teachers of those classes.

25 (2) The average daily attendance or teachers in necessary small  
26 schools that are eligible to receive funding pursuant to Article 4  
27 (commencing with Section 42280) of Chapter 7 of Part 24.

28 ~~(d) The pupil-teacher ratio described in subdivision (a) in a~~  
29 ~~unified school district participating in the class size reduction~~  
30 ~~program pursuant to Chapter 6.10 (commencing with Section~~  
31 ~~52120) may, at the school district's option, be calculated separately~~  
32 ~~for kindergarten and grades 1 to 6, inclusive, and for grades 7 to~~  
33 ~~12, inclusive.~~

34 (e)

35 (d) The ~~applicable~~ pupils-to-certificated-employee ~~ratio~~ *grade*  
36 *span ratios* described in subdivision (a) may, in a charter school,  
37 be calculated by using a fixed pupils-to-certificated-employee ratio  
38 of 25 to one, or by being a ratio of less than 25 pupils per  
39 certificated employee. All charter school pupils, regardless of age,

1 shall be included in *the applicable* pupil-to-certificated-employee  
2 *grade span* ratio calculations.

3 *SEC. 2. Section 51749.5 is added to the Education Code, to*  
4 *read:*

5 *51749.5. (a) Notwithstanding any other law, and commencing*  
6 *with the 2015–16 school year, a school district or county office of*  
7 *education may, for pupils enrolled in grades 9 to 12, inclusive,*  
8 *provide independent study courses pursuant to the following*  
9 *conditions:*

10 *(1) The governing board of a participating school district or*  
11 *county office of education adopts policies, at a public meeting,*  
12 *that comply with the requirements of this section and any*  
13 *applicable regulations adopted by the state board.*

14 *(2) A signed learning agreement is completed and on file*  
15 *pursuant to Section 51749.6.*

16 *(3) Courses are taught under the general supervision of*  
17 *certificated employees who hold the appropriate subject matter*  
18 *credential pursuant to Section 44300 or 44865, meet the*  
19 *requirements for highly qualified teachers pursuant to the federal*  
20 *No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),*  
21 *and are employed by the school district or county office of*  
22 *education at which the pupil is enrolled, or by a school district or*  
23 *county office of education that has a memorandum of*  
24 *understanding to provide the instruction in coordination with the*  
25 *school district or county office of education at which the pupil is*  
26 *enrolled.*

27 *(4) (A) Courses are annually certified, by school district or*  
28 *county office of education governing board resolution, to be of the*  
29 *same rigor and educational quality as equivalent classroom-based*  
30 *courses, including all relevant local and state content standards.*

31 *(B) This certification shall, at a minimum, include the duration,*  
32 *number of equivalent daily instructional minutes for each school*  
33 *day that a pupil is enrolled, number of equivalent total instructional*  
34 *minutes, and number of course credits for each course. This*  
35 *information shall be consistent with that of equivalent*  
36 *classroom-based courses.*

37 *(5) Pupils enrolled in courses authorized by this section shall*  
38 *meet the applicable age requirements established pursuant to*  
39 *Sections 46300.1 and 46300.4.*

1     (6) *Pupils enrolled in courses authorized by this section shall*  
2 *meet the applicable residency and enrollment requirements*  
3 *established pursuant to Sections 46300.2, 48204, and 51747.3.*

4     (7) (A) *Certificated employees shall assess whether each pupil*  
5 *is making satisfactory educational progress.*

6     (B) *For purposes of this section, satisfactory educational*  
7 *progress includes, but is not limited to, applicable statewide*  
8 *accountability measures and the completion of assignments,*  
9 *examinations, or other indicators that evidence that the pupil is*  
10 *working on assignments, learning required concepts, and*  
11 *progressing toward successful completion of the course, as*  
12 *determined by certificated employees providing instruction.*

13     (C) *If satisfactory educational progress is not being made,*  
14 *certificated employees providing instruction shall notify the pupil*  
15 *and, if the pupil is less than 18 years of age, the pupil's parent or*  
16 *legal guardian, and conduct an evaluation to determine whether*  
17 *it is in the best interest of the pupil to remain in the course or*  
18 *whether he or she should be referred to an alternative program,*  
19 *which may include, but is not limited to, a regular school program.*  
20 *A written record of the findings of an evaluation made pursuant*  
21 *to this subdivision shall be treated as a mandatory interim pupil*  
22 *record. The record shall be maintained for a period of three years*  
23 *from the date of the evaluation and, if the pupil transfers to another*  
24 *California public school, the record shall be forwarded to that*  
25 *school.*

26     (D) *Written or computer-based evidence of satisfactory*  
27 *educational progress, as defined in subparagraph (B), shall be*  
28 *retained for each course and pupil. At a minimum, this evidence*  
29 *shall include a grade book or summary document that, for each*  
30 *course, lists all assignments, examinations, and associated grades.*

31     (8) (A) *Certificated employees responsible for the instruction*  
32 *and general supervision of courses authorized by this section shall*  
33 *do all of the following:*

34         (i) *Use a proctor if administering an examination.*

35         (ii) *Conduct teacher-pupil meetings in person at least twice per*  
36 *calendar month.*

37         (iii) *Establish a live visual connection with pupils, including,*  
38 *but not limited to, by using an Internet Web camera.*

1     (B) This section shall not be deemed to prohibit the right to  
2     collectively bargain any matter within the scope of representation  
3     pursuant to Section 3543.2 of the Government Code.

4     (9) (A) Statewide testing results for pupils enrolled in courses  
5     authorized by this section shall be reported and assigned to the  
6     school in which the pupil is enrolled for classroom-based courses  
7     and to any school district or county office of education within  
8     which that school's testing results are aggregated.

9     (B) Statewide testing results for pupils enrolled in courses  
10    authorized by this section may be disaggregated for purposes of  
11    comparing the testing results of those pupils with the testing results  
12    of pupils enrolled in classroom-based courses.

13    (10) A pupil shall not be required to enroll in courses authorized  
14    by this section.

15    (11) The pupil-to-certificated employee ratio limitations  
16    established pursuant to Section 51745.6 are applicable to courses  
17    authorized by this section.

18    (12) For each pupil, the combined equivalent daily instructional  
19    minutes for enrolled courses authorized by this section and enrolled  
20    courses authorized by all other laws and regulations shall meet  
21    the applicable minimum instructional day requirements. Pupils  
22    enrolled in courses authorized by this section shall be offered the  
23    minimum annual total equivalent instructional minutes pursuant  
24    to Sections 46200 to 46208, inclusive.

25    (b) For purposes of computing average daily attendance for  
26    each pupil enrolled in one or more courses authorized by this  
27    section, the following computations shall apply:

28    (1) (A) For each school day, add the combined equivalent daily  
29    instructional minutes, as certified in paragraph (4) of subdivision  
30    (a), for courses authorized by this section in which the pupil is  
31    enrolled.

32    (B) For each school day, add the combined daily instructional  
33    minutes of courses authorized by all other laws and regulations  
34    in which the pupil is enrolled and for which the pupil meets  
35    applicable attendance requirements.

36    (C) For each school day, add the sum of subparagraphs (A)  
37    and (B).

38    (2) If subparagraph (C) of paragraph (1) meets applicable  
39    minimum school day requirements for each school day, credit each  
40    school day that the pupil is demonstrating satisfactory educational



1 *progress pursuant to the requirements of this section, with up to*  
2 *one school day of attendance.*

3 *(3) (A) Using credited school day attendance pursuant to*  
4 *paragraph (2), calculate average daily attendance pursuant to*  
5 *Section 41601 for each pupil.*

6 *(B) The average daily attendance computed pursuant to this*  
7 *subdivision shall not result in more than one unit of average daily*  
8 *attendance per pupil.*

9 *(4) Notwithstanding any other law, average daily attendance*  
10 *computed for pupils enrolled in courses authorized by this section*  
11 *shall not be credited with average daily attendance other than as*  
12 *specified in this section.*

13 *(c) This section shall remain in effect only until June 30, 2022,*  
14 *and as of January 1, 2023 is repealed, unless a later enacted statute*  
15 *that is enacted before January 1, 2023, deletes or extends that*  
16 *date.*

17 *SEC. 3. Section 51749.6 is added to the Education Code, to*  
18 *read:*

19 *51749.6. (a) Before enrolling a pupil in a course authorized*  
20 *by Section 51749.5, each school district or county office of*  
21 *education shall provide the pupil and, if the pupil is less than 18*  
22 *years of age, the pupil's parent or legal guardian, with a written*  
23 *learning agreement that includes all of the following:*

24 *(1) A summary of the policies and procedures adopted by the*  
25 *governing board of the school district or county office of education*  
26 *pursuant to Section 51749.5.*

27 *(2) The duration of the enrolled course or courses, the duration*  
28 *of the learning agreement, and the number of course credits for*  
29 *each enrolled course consistent with the certifications adopted by*  
30 *the governing board of the school district or county office of*  
31 *education pursuant to Section 51749.5. The duration of a learning*  
32 *agreement shall not exceed a school year or span multiple school*  
33 *years.*

34 *(3) The learning objectives and expectations for each course,*  
35 *including, but not limited to, a description of how satisfactory*  
36 *educational progress is measured and when a pupil evaluation is*  
37 *required to determine whether the pupil should remain in the*  
38 *course or return to a regular school program.*

39 *(4) The specific resources, including materials and personnel,*  
40 *that will be made available to the pupil.*

1 (5) A statement that the pupil is not required to enroll in courses  
2 authorized pursuant to Section 51749.5.

3 (b) (1) The learning agreement shall be signed by the pupil  
4 and, if the pupil is less than 18 years of age, the pupil's parent or  
5 legal guardian, and all certificated employees providing instruction  
6 before instruction may commence.

7 (2) The signed learning agreement constitutes permission from  
8 a pupil's parent or legal guardian, if the student is less than 18  
9 years of age, for the pupil to receive instruction through  
10 independent study.

11 (3) A physical or electronic copy of the signed learning  
12 agreement shall be retained by the school district or county office  
13 of education for at least three years.

14 (4) For purposes of this section, an electronic copy includes a  
15 computer or electronic stored image of an original document,  
16 including, but not limited to, portable document format, JPEG, or  
17 other digital image file type, that may be sent via fax machine,  
18 e-mail, or other electronic means.

19 (c) This section shall remain in effect only until June 30, 2022,  
20 and as of January 1, 2023 is repealed, unless a later enacted statute  
21 that is enacted before January 1, 2023, deletes or extends that  
22 date.

23 ~~SECTION 1. Section 46308 is added to the Education Code,~~  
24 ~~to read:~~

25 ~~46308. (a) Subject to subdivision (k) and commencing with~~  
26 ~~the 2015-16 fiscal year, a school district, county office of~~  
27 ~~education, or charter school providing classroom-based instruction,~~  
28 ~~as defined in paragraph (1) of subdivision (c) of Section 47612.5,~~  
29 ~~may claim, for up to 10 percent of the total average daily attendance~~  
30 ~~of pupils enrolled in grades 9 to 12, inclusive, in the school district,~~  
31 ~~county office of education, or charter school, state apportionments~~  
32 ~~pursuant to Section 46309, on the basis of a pupil's satisfactory~~  
33 ~~pupil progress toward obtaining a high school diploma by earning~~  
34 ~~course credit through attendance in online educational learning~~  
35 ~~programs. Online educational learning programs may include one~~  
36 ~~online course, multiple online courses, or a combination of online~~  
37 ~~coursework and classroom-based coursework. Online educational~~  
38 ~~learning programs shall be separate from online courses offered~~  
39 ~~pursuant to Section 46300.8. Pupils shall be eligible to participate~~

1 in online educational learning programs if all of the following  
2 apply:

3 (1) The pupil is enrolled in grade 9, 10, 11, or 12 in a  
4 participating school district, county office of education, or charter  
5 school.

6 (2) The pupil is a California resident.

7 (3) The pupil is enrolled in classes that include courses in a  
8 classroom-based setting, courses that are offered through an online  
9 program, or both.

10 (4) The pupil is not enrolled in a community day school or  
11 juvenile court school.

12 (5) The pupil meets minimum instructional time requirements  
13 pursuant to:

14 (A) Section 46141 and Section 46201, 46201.5, or 46202, as  
15 applicable, for pupils enrolled in a noncharter school in a school  
16 district or county office of education.

17 (B) Section 46170, for pupils enrolled in a continuation school.

18 (C) Section 46180, for pupils enrolled in an opportunity school.

19 (D) Subdivision (e) of Section 47612.5, for pupils enrolled in  
20 a charter school.

21 (6) Each online course in which the pupil is enrolled is a  
22 high-quality online course.

23 (b) For the purposes of this section, a “high-quality online  
24 course” is defined as an online course that meets all of the  
25 following requirements:

26 (1) The online course is approved by the governing board of  
27 the school district or county office of education, or by the  
28 governing body of the charter school.

29 (2) The online course is certified to meet the requirements of  
30 this subdivision, through board resolution, by the governing board  
31 of the school district or county office of education, or by the  
32 governing body of the charter school.

33 (3) The online course is certified by the governing board of the  
34 school district or county office of education, or by the governing  
35 body of the charter school, as being as rigorous as a  
36 classroom-based course and meeting or exceeding all relevant state  
37 content standards.

38 (4) A teacher teaching an online course or courses operated  
39 pursuant to this section shall be accessible to each pupil enrolled  
40 in the online course or courses to respond to pupil queries, assign

1 tasks, and dispense information. A teacher teaching an online  
2 course shall provide timely feedback on communications for pupils  
3 within 24 hours and timely feedback for assessing pupils' work  
4 within 72 hours for minor assignments and within one week for  
5 major assignments, including, but not limited to, midterm and final  
6 examinations, major projects, and compositions. A teacher teaching  
7 an online course shall employ all of the following:

8 (A) Periodic proctored examinations.

9 (B) Direct teacher-pupil meetings, in person, no less than twice  
10 per calendar month.

11 (C) A visual connection, including, but not limited to, an Internet  
12 Web camera.

13 (5) Specific minimum standards for teacher-pupil contact shall  
14 be determined through a collective bargaining agreement.

15 (6) (A) The ratio of pupils enrolled in the online course who  
16 are 18 years of age or younger to school district full-time equivalent  
17 certificated employees who provide online instruction, to be  
18 calculated in a manner prescribed by the department, shall not  
19 exceed the equivalent ratio of pupils to full-time certificated  
20 employees for all other educational programs operated by the  
21 school district, unless a higher or lower ratio is negotiated in a  
22 collective bargaining agreement.

23 (B) The ratio of pupils enrolled in the online course who are 18  
24 years of age or younger to county office of education full-time  
25 equivalent certificated employees who provide online instruction,  
26 to be calculated in a manner prescribed by the department, shall  
27 not exceed the equivalent ratio of pupils to full-time certificated  
28 employees for all other educational programs operated by the high  
29 school or unified school district with the greatest average daily  
30 attendance of pupils in that county, unless a higher or lower ratio  
31 is negotiated in a collective bargaining agreement.

32 (C) The computation of the ratios in subparagraphs (A) and (B)  
33 shall be performed annually by the reporting agency at the time  
34 of, and in connection with, the second principal apportionment  
35 report to the Superintendent.

36 (7) When a classroom-based course of the same course title  
37 exists within the school district, county office of education, or  
38 charter school, the subject matter content of the online course shall  
39 meet or exceed the content standards applied to the  
40 classroom-based course.

1     ~~(8) The teacher of the online course holds the appropriate subject~~  
2 ~~matter credential, meets the requirements for a highly qualified~~  
3 ~~teacher pursuant to the federal No Child Left Behind Act of 2001~~  
4 ~~(20 U.S.C. Sec. 6301 et seq.), and is employed in the state of~~  
5 ~~California.~~

6     ~~(9) (A) Statewide testing results for pupils enrolled in an online~~  
7 ~~course or courses are reported and assigned to the school in which~~  
8 ~~the pupil is enrolled for classroom-based courses, and to any school~~  
9 ~~district or county office of education within which that school's~~  
10 ~~testing results are aggregated.~~

11     ~~(B) Statewide testing results for pupils enrolled in an online~~  
12 ~~course or courses may be disaggregated for purposes of comparing~~  
13 ~~the testing results of those pupils to the testing results of pupils~~  
14 ~~enrolled in classroom-based courses.~~

15     ~~(10) The online course is offered by a high school, continuation~~  
16 ~~school, county office of education, or charter school offering~~  
17 ~~instruction in any of grades 9 to 12, inclusive.~~

18     ~~(11) No pupil is assigned to the online course unless the pupil~~  
19 ~~voluntarily elects to participate in the online course and the parent~~  
20 ~~or guardian of the pupil provides written consent before the pupil~~  
21 ~~participates in the online course.~~

22     ~~(12) No pupil voluntarily electing to participate in the online~~  
23 ~~course is denied access because the pupil lacks the computer~~  
24 ~~hardware or software necessary to participate in the online course.~~

25     ~~(13) No pupil is charged for his or her participation in the online~~  
26 ~~course.~~

27     ~~(14) A pupil enrolled in the online course shall take~~  
28 ~~examinations by proctor, or other reliable methods used to ensure~~  
29 ~~test integrity, and there is a clear record of pupil work, using the~~  
30 ~~same method of documentation and assessment as used in a~~  
31 ~~classroom-based course.~~

32     ~~(e) Nothing in this section shall affect a state board~~  
33 ~~determination made pursuant to Section 47612.5.~~

34     ~~(d) Compliance with this section shall be subject to the audit~~  
35 ~~conducted pursuant to Section 41020.~~

36     ~~(e) (1) Each high-quality online course shall be deemed to be~~  
37 ~~an offering of 60 minutes for purposes of calculating instructional~~  
38 ~~time.~~

39     ~~(2) A pupil shall not receive course credit for the same~~  
40 ~~high-quality online course more than once.~~

1     ~~(3) A pupil enrolled in a high-quality online course shall be~~  
2     ~~credited with a day of attendance for each schoolday the pupil is~~  
3     ~~enrolled in the high-quality online course and in accordance with~~  
4     ~~paragraph (5) of subdivision (a):~~

5     ~~(4) “Satisfactory pupil progress” means a pupil has earned at~~  
6     ~~least 60 course credits in a school year.~~

7     ~~(f) To remain eligible for claiming and generating~~  
8     ~~apportionments, a pupil over 19 years of age enrolled in an online~~  
9     ~~course or courses shall be continuously enrolled in public school~~  
10    ~~and achieve satisfactory pupil progress, as defined in paragraph~~  
11    ~~(4) of subdivision (e), toward award of a high school diploma.~~

12    ~~(g) To receive state apportionments, a school district, county~~  
13    ~~office of education, or charter school providing classroom-based~~  
14    ~~instruction, as defined in paragraph (1) of subdivision (e) of Section~~  
15    ~~47612.5, offering an online course or courses meeting the~~  
16    ~~requirements of subdivision (b) shall not be required to meet the~~  
17    ~~requirements of Article 5.5 (commencing with Section 51745) of~~  
18    ~~Chapter 5 of Part 28.~~

19    ~~(h) (1) A participating school district, county office of~~  
20    ~~education, or charter school providing classroom-based instruction,~~  
21    ~~as defined in paragraph (1) of subdivision (e) of Section 47612.5,~~  
22    ~~shall receive state apportionments, for up to 10 percent of the total~~  
23    ~~average daily attendance for pupils enrolled in grades 9 to 12,~~  
24    ~~inclusive, in the school district, county office of education, or~~  
25    ~~charter school, for pupils enrolled in a high-quality online course~~  
26    ~~or courses, as defined in subdivision (b), based on the number of~~  
27    ~~pupils enrolled in an online course or courses in the 2014–15 school~~  
28    ~~year, or the percentage of pupils authorized to enroll in an online~~  
29    ~~course or courses pursuant to paragraph (2), whichever is greater.~~

30    ~~(2) A participating school district, county office of education,~~  
31    ~~or charter school providing classroom-based instruction, as defined~~  
32    ~~in paragraph (1) of subdivision (e) of Section 47612.5, that did not~~  
33    ~~offer an online course or courses in the 2014–15 school year shall~~  
34    ~~receive state apportionments, for up to 10 percent of the total~~  
35    ~~average daily attendance of pupils enrolled in grades 9 to 12,~~  
36    ~~inclusive, of the school district, county office of education, or~~  
37    ~~charter school, if all of the following conditions are met:~~

38    ~~(A) A participating school district, county office of education,~~  
39    ~~or charter school satisfies the requirements of subdivisions (a) and~~  
40    ~~(b):~~

1     ~~(B) A participating school district, county office of education,~~  
2     ~~or charter school offers the online course or courses at the~~  
3     ~~beginning of the school year and demonstrates that at least the~~  
4     ~~same number of pupils that the school district, county office of~~  
5     ~~education, or charter school is eligible to receive state~~  
6     ~~apportionments for under an online educational learning program~~  
7     ~~are actually enrolled in the online course or courses.~~

8     ~~(C) The participating school district, county office of education,~~  
9     ~~or charter school submits a semiannual report to the department~~  
10    ~~comparing the course credits earned by pupils enrolled in an online~~  
11    ~~course or courses to course credits earned by pupils enrolled in~~  
12    ~~classroom-based courses.~~

13    ~~(i) For purposes of this section, “online educational learning~~  
14    ~~program” means a program of study that may include any~~  
15    ~~combination of courses where the teacher and the pupil are online~~  
16    ~~at the same time or are online at different times and do not interact~~  
17    ~~simultaneously. A pupil may enroll in online courses,~~  
18    ~~classroom-based courses, or a combination of both, during a~~  
19    ~~school day to complete the pupil’s established program of study~~  
20    ~~that satisfies the requirement of achieving satisfactory pupil~~  
21    ~~progress toward obtaining a high school diploma by earning course~~  
22    ~~credits.~~

23    ~~(j) No provision of this section shall be waived unless the waiver~~  
24    ~~is specifically authorized in statute.~~

25    ~~(k) The Superintendent, on or before January 1, 2015, shall~~  
26    ~~adopt rules and regulations implementing this section.~~

27    ~~(l) This section shall become inoperative on June 30, 2019, and,~~  
28    ~~as of January 1, 2020, is repealed, unless a later enacted statute,~~  
29    ~~that becomes operative on or before January 1, 2020, deletes or~~  
30    ~~extends the dates on which it becomes inoperative and is repealed.~~

31    ~~SEC. 2. Section 46309 is added to the Education Code, to read:~~

32    ~~46309. (a) Subject to subdivision (g), a school district, county~~  
33    ~~office of education, or charter school providing classroom-based~~  
34    ~~instruction, as defined in paragraph (1) of subdivision (c) of Section~~  
35    ~~47612.5, that operates an online educational learning program is~~  
36    ~~eligible to receive state apportionments for up to 10 percent of the~~  
37    ~~total average daily attendance of pupils enrolled in grades 9 to 12,~~  
38    ~~inclusive, of the school district, county office of education, or~~  
39    ~~charter school, pursuant to Section 46308, for three consecutive~~  
40    ~~years. A school district, county office of education, or charter~~

1 ~~school providing classroom-based instruction, as defined in~~  
2 ~~paragraph (1) of subdivision (c) of Section 47612.5, is eligible to~~  
3 ~~receive state apportionments for an additional three years if the~~  
4 ~~school district, county office of education, or charter school submits~~  
5 ~~the semiannual reports described in subparagraph (C) of paragraph~~  
6 ~~(2) of subdivision (h) of Section 46308, and the pupils enrolled in~~  
7 ~~the online course or courses are achieving satisfactory pupil~~  
8 ~~progress, as defined in paragraph (4) of subdivision (c) of Section~~  
9 ~~46308.~~

10 (b) ~~A participating school district, county office of education,~~  
11 ~~or charter school shall develop and adopt policies that evaluate if~~  
12 ~~a pupil is achieving satisfactory pupil progress, as defined in~~  
13 ~~paragraph (4) of subdivision (c) of Section 46308, and if a pupil~~  
14 ~~should be allowed to continue to participate in the online~~  
15 ~~educational learning program.~~

16 (c) ~~If, in any year of participation, the pupils participating in an~~  
17 ~~online educational learning program offered by a school district,~~  
18 ~~county office of education, or charter school are earning less than~~  
19 ~~75 percent of the course credits earned by pupils enrolled in~~  
20 ~~classroom-based courses, the participating school district, county~~  
21 ~~office of education, or charter school shall submit pupil records~~  
22 ~~for review by the department that compare the course completion~~  
23 ~~rate of pupils participating in the online educational learning~~  
24 ~~program to the overall course completion rate for pupils enrolled~~  
25 ~~in grades 9 to 12, inclusive, in the participating school district,~~  
26 ~~county office of education, or charter school.~~

27 (d) ~~The department shall develop a process authorizing a school~~  
28 ~~district, county office of education, or charter school, to voluntarily~~  
29 ~~reduce the state apportionments received for the online educational~~  
30 ~~learning program if projected pupil enrollment is not achieved, or~~  
31 ~~the pupils are not achieving satisfactory pupil progress, as defined~~  
32 ~~in paragraph (4) of subdivision (c) of Section 46308.~~

33 (e) ~~The department may reduce or eliminate the state~~  
34 ~~apportionments a participating school district, county office of~~  
35 ~~education, or charter school receives for pupils participating in an~~  
36 ~~online educational learning program if the pupils have not achieved~~  
37 ~~satisfactory pupil progress, as defined in paragraph (4) of~~  
38 ~~subdivision (c) of Section 46308, for three consecutive years or~~  
39 ~~the school district, county office of education, or charter school~~  
40 ~~does not comply with the semiannual reporting requirements~~



1 described in subparagraph (C) of paragraph (2) of subdivision (h)  
2 of Section 46308. The department shall review the pupil records  
3 of pupils participating in the online educational learning program  
4 to make this determination. If the department decides to eliminate  
5 the state apportionments a participating school district, county  
6 office of education, or charter school receives for pupils  
7 participating in an online educational learning program, the state  
8 apportionments shall be eliminated in the year following the year  
9 the department decides to eliminate the state apportionments. A  
10 participating school district, county office of education, or charter  
11 school may appeal to the state board the decision of the department  
12 to reduce or eliminate the state apportionments a participating  
13 school district, county office of education, or charter school  
14 receives for pupils participating in an online educational learning  
15 program.

16 (f) Compliance with this section shall be subject to the audit  
17 conducted pursuant to Section 41020.

18 (g) The Superintendent, on or before January 1, 2015, shall  
19 adopt rules and regulations implementing this section.

20 (h) This section shall become inoperative on June 30, 2019;  
21 and, as of January 1, 2020, is repealed, unless a later enacted  
22 statute, that becomes operative on or before January 1, 2020,  
23 deletes or extends the dates on which it becomes inoperative and  
24 is repealed.